

Appl. No.: 10/660,371
Amdt. Dated: 02/10/2005
Off. Act. Dated: 11/10/2004

REMARKS/ARGUMENTS

Reconsideration of this application is respectfully requested in view of the foregoing amendments and discussion presented herein.

1. Objection to Claim Numbering.

The Applicant notes that Claim 24 was omitted in the original claims filed, and that the Examiner has renumbered Claims 25-41 as 24-40, respectively. In this response, the Applicant has renumbered the claims as indicated by the Examiner and all claims presented herein are based on said renumbering.

2. Objection to Substantially Duplicate Claims.

The Examiner objected to Claims 9-12 as being a substantial duplicate of Claims 5-8. In consideration of the objection, Claims 9-11 have been canceled and Claim 12 has been amended to depend from Claim 5. As a result, any substantial duplication has been corrected.

3. Allowability of Claims.

The Applicant notes with appreciation the Examiner's indication that Claims 8, 11, 15, 19, 24, 29, 33 and 35 would be allowable if rewritten in independent form to include all of the limitations of the base claim and any intervening claims. In response, the Applicant has amended the claims as follows:

Claim 5 has been amended to include the subject matter of Claim 8, since Claim 8 was determined to be allowable. Claim 8 has been canceled. Accordingly, Claim 5 and dependent Claims 6, 7, and 12 are in a condition for allowance.

Claim 13 has been amended to include the limitations of Claim 15, since Claim 15 was determined to be allowable. Claim 15 has been canceled. Accordingly, Claim 13 and dependent Claim 14 are in a condition for allowance.

Claim 16 has been amended to include the limitations of Claim 19, since Claim 19 was determined to be allowable. Claim 19 has been canceled. Accordingly, Claim 16 and dependent Claims 17-18 are in a condition for allowance.

Claim 20 has been amended to include the limitations of Claim 24, since Claim

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24 was determined to be allowable. Claim 24 has been canceled. Accordingly, Claim 20 and dependent Claims 21-23 are in a condition for allowance.

Claim 25 has been amended to include the limitations of Claim 29, since Claim 29 was determined to be allowable. Claim 29 has been canceled. Accordingly, Claim 25 and dependent Claims 26-28 are in a condition for allowance.

Claim 30 has been amended to include the subject matter of Claim 33, since Claim 33 was determined to be allowable. Claim 33 has been canceled. Accordingly, Claim 30 and dependent Claims 31-32 are in a condition for allowance.

Claim 34 has been amended to include the subject matter of Claim 35, since Claim 35 was determined to be allowable. Claim 35 has been canceled. Accordingly, Claim 34 and dependent Claim 36 is in a condition for allowance.

4. Rejection of Claims.

Claims 1-7, 9, 10, 12-14, 16-18, 20-23, 25-28, 30-32, 34 and 36-40 were rejected based on references cited by the Examiner. In view of the above-described amendments, the rejection of Claims 5-7, 9, 10, 12-14, 16-18, 20-23, 25-28, 30-32, 34 and 36 is now moot since those claims are in a condition for allowance.

Accordingly, only Claims 1-4 and 37-40 remain subject to the outstanding rejection. Claims 1-4, 37 and 39 are independent.

Based on the claims that the Examiner has determined to be allowable, the Applicant has amended Claims 1-4, 37 and 39 to include the phrase "wherein said turbocharger has a controlled constant or variable outlet pressure by using the electric generator and battery for altitude compensation or for controlling power output, or for both altitude compensation and controlling power output". This language is substantially the language upon which the Examiner based the determination of allowability, except that the Applicant has added the phrase "by using the electric generator and battery" for additional description of the function of the turbocharger in relation to the electric generator and battery system. See FIG. 1 and FIG. 2, and the description at Paragraphs [0029]-[0040] for support.

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Therefore, Claims 1-4 and 37-40 are also now in a condition for allowance.

5. New Claims 41-53.

Claims 41-53 are newly presented dependent claims which recite an additional aspect of the invention. Support for these claims can be found in the Specification in paragraphs [0008] and [0064] where the Applicant explains that recovering a portion of the exhaust gas to drive a turbocharger which in turn drives an electric generator for charging the batteries in the vehicle can improve the volumetric efficiency and effective thermal efficiency of the internal combustion engine.

6. Additional Claim Amendments for Consistency.

The Applicant has also variously amended the claims to use the term "electric generator" consistently throughout. The claims have also been checked for typographical or grammatical errors and corrections made as necessary.

7. Amendments Made Without Prejudice or Estoppel.

Notwithstanding the amendments made and accompanying traversing remarks provided above, the Applicant has made these amendments in order expedite allowance of the currently pending subject matter. However, the Applicant does not acquiesce in the original ground for rejection with respect to the original form of these claims. These amendments have been made without any prejudice, waiver, or estoppel, and without forfeiture or dedication to the public, with respect to the original subject matter of the claims as originally filed or in their form immediately preceding these amendments. The Applicant reserves the right to pursue the original scope of these claims in the future, such as through continuation practice for example.

8. Conclusion.

Based on the foregoing, the Applicant respectfully requests that the various grounds for rejection in the Office Action be reconsidered and withdrawn with respect to the presently amended form of the claims, and that a Notice of Allowance be issued for the present application to pass to issuance.

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In the event any further matters remain at issue with respect to the present Application, the Applicant respectfully requests that the Examiner please contact the undersigned below at the telephone number indicated in order to discuss such matter prior to the next action on the merits of this application.

Date: 3/10/05

Respectfully submitted,

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